

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2015 OCT -1 P 3:55

GERALD CARLIN, JOHN RAHM, PAUL
ROZWADOWSKI and BRIAN WOLFE,
individually and on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

DAIRYAMERICA, INC.,

Defendant.

Case No. 1:09-cv-00430-JAW/USAO
ALEXANDRIA, VIRGINIA

1:15 MC 30

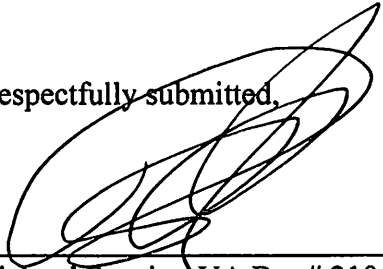
**NON-PARTY MARYLAND AND VIRGINIA MILK PRODUCERS COOPERATIVE
ASSOCIATION, INCORPORATED'S MOTION TO QUASH PLAINTIFFS' SUBPOENA
TO TESTIFY AT DEPOSITION UPON WRITTEN QUESTIONS
AND FOR APPROPRIATE SANCTIONS**

Non-Party Maryland & Virginia Milk Producers Cooperative Association, Incorporated ("Maryland & Virginia"), by counsel and pursuant to Rules 31 and 45, respectfully moves to quash the subpoena to testify at a deposition upon written questions issued in the above referenced action and attached hereto as Exhibit A (the "Subpoena"). The grounds for this Motion are set forth in the accompanying memorandum of points and authorities submitted herewith.

WHEREFORE, Maryland & Virginia respectfully moves that this Court issue an order quashing the Subpoena, awarding Maryland & Virginia its costs and attorneys' fees, and for such further and other relief as this Court deems just and proper.

Dated: October 1, 2015

Respectfully submitted,



Richard Rossier, VA Bar # 21064
Alex Menendez, VA Bar # 39524
MCLEOD, WATKINSON & MILLER
One Massachusetts Ave., N.W., Suite 800
Washington, D.C. 20001
Telephone: (202) 842-2345
Facsimile: (202) 408-7763

*Counsel for Non-Party Maryland & Virginia Milk
Producers Cooperative Association, Incorporated*

CERTIFICATE REGARDING CONSENT

The undersigned certifies that consent to the relief requested in this Motion was sought from Plaintiffs. Plaintiffs do not consent.



Richard Rossier

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October, 2015, I served the foregoing Motion to Quash, Memorandum of Points and Authorities and Proposed Order via First Class Mail, postage prepaid to:

A. Chowning Poppler
Berman DeValerio
One California Street
Suite 900
San Francisco, CA 94111
Counsel for the Plaintiffs



Richard Rossier